

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
E/S Sandhill Road, DB 11 • ZONING COMMISSIONER
S of 671 Honey Locust Court •
213 Sandhill Court • OF BALTIMORE COUNTY
14th Election District •
5th Councilmanic District • Case No. 92-18-A
James R. Whitehead, et ux •
Petitioners •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Zoning Variance, a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool and deck) to be located in the side yard in lieu of the rear yard; a variance from Section 415.A.1 of the B.C.Z.R. to allow a recreation vehicle (boat) to be located in the front yard in lieu of the required rear and side yards, (8 ft. behind a projection of the front foundation wall), respectively, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, James R. Whitehead, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 213 Sandhill Road, consists of .21 acres more or less and is zoned D.R.5.5. The property is improved with a single family dwelling and lies at the end of a panhandle driveway which accesses Sandhill Road.

The Petitioner seeks a variance from Section 400.1 to legitimize a pool and deck (accessory structure) which is located in the side yard due to the placement of the dwelling on the lot. Rather than fronting towards Sandhill Road, the Petitioner's dwelling is angled on the lot thereby making what might be expected to be the Petitioner's rear yard to actually be the side yard.

The petitioner also seeks permission for a variance from Section 415.A.1 to store his 21 ft. boat, mounted on a 25 ft. trailer in the front yard in lieu of the required rear and side yards. Again, the unusual placement of the house on the property line necessitates this request for a variance. The boat is presently stored at the end of the Petitioner's driveway (front yard).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 304 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict

the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of C.E.R., 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool and deck) to be located in the side yard, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 415.A.1 to allow a recreation vehicle (boat) to be located in the front yard in lieu of the required rear and side yards (8 ft. behind a projection of the front foundation wall), respectively, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate period from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not store anything larger than a 21 ft. Galaxy (boat/recreation vehicle) on a 25 ft. trailer in the front yard at 213 Sandhill Court.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm
cc: Peoples Counsel

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-18-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool and deck) to be located in the side yard in lieu of the rear yard; a variance from Section 415.A.1 of the B.C.Z.R. to allow a recreation vehicle (boat) to be located in the front yard in lieu of the required rear and side yards, (8 ft. behind a projection of the front foundation wall), respectively, as more particularly described on Petitioner's Exhibit No. 1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertisement, posting, etc. upon filing of petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Owner(s) Name(s):

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

I, the undersigned, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

ESTIMATED LENGTH OF HEARING

1/2HR. (1/2HR.)

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO (2) DAYS

ALL OTHER

REVIEWED BY: DATE:

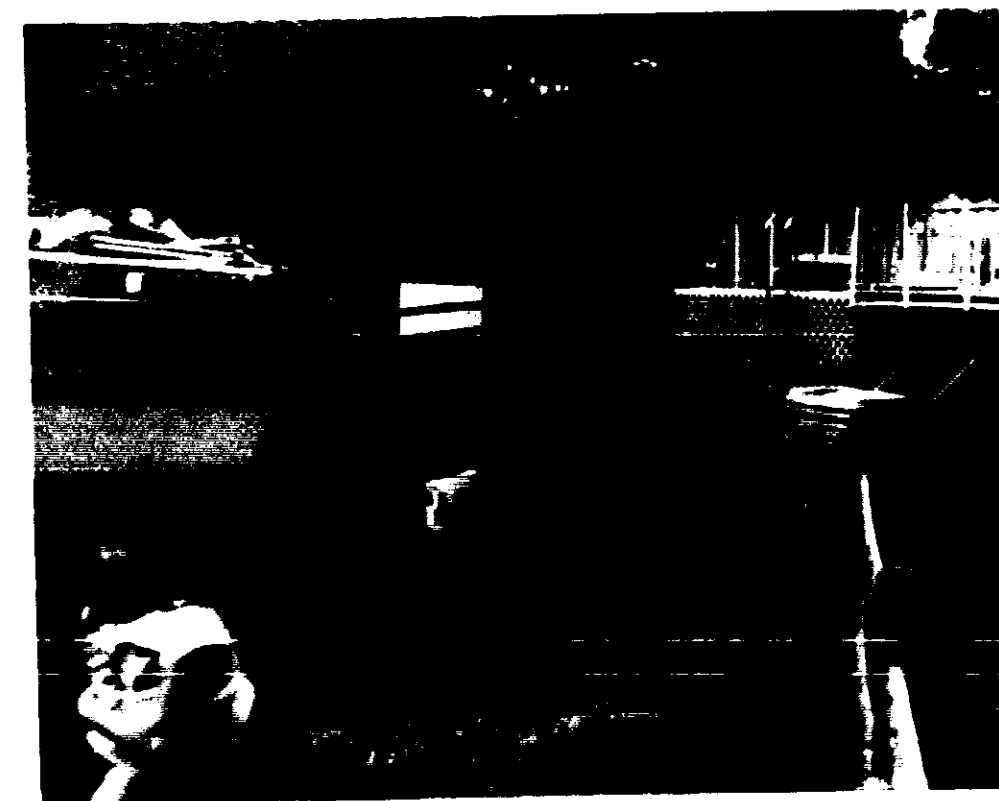
THE DESCRIPTION

Beginning at point on the east side of Sandhill Road which is 60 feet wide at the distance of 185 feet south of the center line of the nearest improved intersecting street Honey Locust Rd, which is 60 feet wide. Being Lot #236, Plat III, Section III, in the subdivision Goldentree as recorded in Baltimore County Plat Book #50, Folio #61, containing 2,470 square feet, .21 acres. Also known as 213 Sandhill Road and located in the #15 Election District, 5th Councilmanic District.

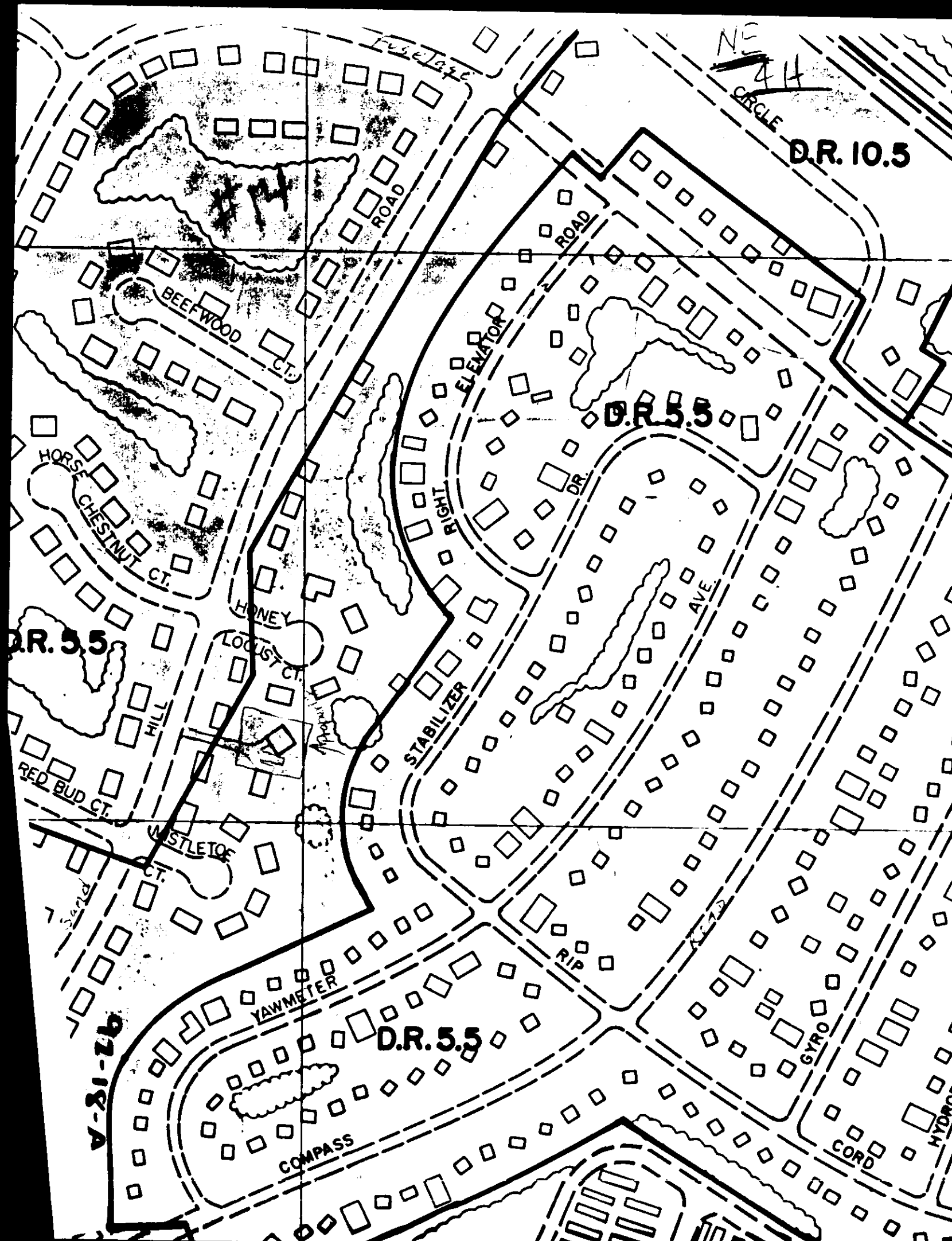
PETITIONER'S EXHIBIT #



Looking East from Sandhill Road



Looking NE from adjoining (#209) driveway



Plat to accompany Petition for Zoning Variance

PROPERTY ADDRESS: 213 Sandhill Road

OWNER: JAMES R. WHITEHEAD

92-18-A

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

County: BALTIMORE

Election District: 15

Section: 3

Lot: 236

Area: 2,470 sq. ft.

Acres: .21

Sever: []

Water: []

Other: []

Chesapeake Bay Critical Area: []

Prior Zoning Hearing: None

Zoning Office USE ONLY

Item # 14

Redd
7/31/91

213 Sandhill Road Bait 71221

RWB: 5

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 9/26/91

COPY

Case: James R. Whitehead
213 Sandhill Road
Baltimore, Maryland 21220

RE:
Case Number: 92-18-A
213 Sandhill Road, 185' S of c/o Honey Locust Court
213 Sandhill Road
15th Election District - 5th Councilmanic
Petitioner(s): James R. Whitehead, et ux
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$15.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE WITHDRAWN. IN WRIT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-18-A
213 Sandhill Road, 185' S of c/o Honey Locust Court
213 Sandhill Road
15th Election District - 5th Councilmanic
Petitioner(s): James R. Whitehead, et ux
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 2:00 p.m.

Variance to allow an accessory structure (pool and deck) to be located in the side yard in lieu of the required rear yard and a penetration, while in the front yard in lieu of the side or rear yard 8 ft. behind a projection of the front foundation wall respectively.

Zoning Commissioner of
Baltimore County

INTER-OFFICE CORRESPONDENCE **92-18-A**

TO: James R. Dyer
Zoning Supervisor

FROM: James M. Thompson
Zoning Enforcement Coordinator

RE: Item No. 11
Petitioner: James R. and Cynthia A. Whitehead

VARIATION CASE # 92-18-A

LOCATION OF VIOLATION: 213 Sandhill Road

DEFENDANT: James R. and Cynthia A. Whitehead

ADDRESS: 213 Sandhill Road, Baltimore, Maryland 21220

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Owen Stephens
Development Control

1/6/

Baltimore County
Zoning Administration
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE: 9-18-91

Case Number: 92-18-A

Check Validation

Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date: 7-12-91

James R. Whitehead
213 Sandhill Rd
(21220)

Residential Variance Filing Fee \$35.00

Zoning Office

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: 9/18/91

Posted for: _____

Petitioner: _____

Location of property: _____

Location of Sign: _____

Remarks: _____

Posted by: _____ Date of return: 9/18/91

Number of Signs: 7



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-15-91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Olsen
Publisher

\$70.76

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date: 7-12-91

Public Hearing Fee

Check Validation

Please Make Checks Payable To: Baltimore County